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15 *Attorneys for the*  
16 Honorable Felix P. Camacho,  
17 Governor of Guam

18 IN THE UNITED STATES DISTRICT COURT  
19 DISTRICT OF GUAM

20 THE GOVERNMENT OF GUAM, by and  
21 through the ATTORNEY GENERAL OF  
22 GUAM,

23 Plaintiff,

24 vs.

25 FELIX P. CAMACHO, in his official capacity  
26 as Governor of Guam,

27 Defendant.

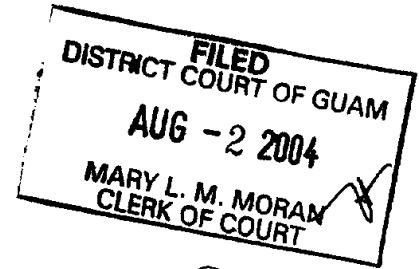
CIVIL CASE NO. 04-00035

ANSWER TO PLAINTIFF'S VERIFIED  
COMPLAINT

28 COMES NOW, Defendant Felix P. Camacho, in his official capacity as Governor of  
Guam (the "Governor"), by and through his undersigned counsel, and answers the Verified Complaint  
in Quo Warranto; for Declaratory Judgment; and for Preliminary and Permanent Injunctive Relief as  
follows:

1. As to paragraph 1 of the Complaint, the Governor admits that Plaintiff's  
Complaint seeks the relief stated therein. The Governor denies all other allegations in paragraph 1.
2. As to paragraph 3 of the Complaint, the Governor admits the allegations in the  
first sentence of paragraph 3. The Governor denies all other allegations in paragraph 3.

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N040802.CT (Answer).wpd



3. As to paragraphs 4 and 5 of the Complaint, the Governor admits said allegations.

4. As to paragraph 6 of the Complaint, the Governor admits that Douglas B. Moylan is the first duly elected Attorney General for the Territory of Guam, sworn into office on January 8, 2003; that 48 U.S.C. § 1421g(d)(1) provides for the Office of the Attorney General; that 48 U.S.C. § 1421g(d)(2) authorizes the Legislature of Guam to decide whether the Attorney General is to be elected; and that Guam Public Law No. 25-44 provides that the Attorney General is to be an elected position. The Governor denies all other allegations in paragraph 6.

5. As to paragraph 2, and paragraphs 7-20 of the Complaint, the Governor denies said allegations.

6. As to all other paragraphs and allegations not herein specifically admitted, the Governor herein generally and specifically denies said allegations.

## AFFIRMATIVE DEFENSES

Plaintiff's claim against Defendant is barred by the following affirmative defenses: failure to state a claim upon which relief can be granted; lack of case or controversy; lack of federal question; federal abstention; waiver; estoppel; laches; and collateral estoppel.

WHEREFORE, Defendant, the Governor, prays that Plaintiff takes nothing by his Complaint.

DATED this 2<sup>nd</sup> day of August, 2004.

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 Governor of Guam

By: MICHAEL A. PANGELINAN